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International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

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Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families

Consideration of reports submitted by States parties under article 73 of the Convention

Second periodic reports of States parties due in 2015

Albania*

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I. Introduction

1. The Republic of Albania has acceded to the Convention "On the Protection of the Rights of All Migrant Workers and Members of their Families" with Law No.9703, dated 02.04.2007.

2. The Committee reviewed the initial report of Albania (CMW/C/ALB/1) at its 138th and 139th meetings (CMW/C/SR.139 and SR.140), held on 22 and 23 November 2010 and adopted the final observations at its 151st meeting held on 1 December 2010.

3. In the previous report, the Committee welcomed the submission of the Report and the written replies to the list of issues, which enabled the Committee to better understand the implementation of the Convention from the state party.

4. The Committee also welcomed the constructive and fruitful dialogue, with a competent delegation. In this Report, Albania will report on specific issues of the Convention and on previous recommendations of the Committee, for the period 2011-2015.

5. The second national periodic report, submitted under the article 73 of the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (CMW), was drafted pursuant to the Instructions on the form and content of reports that are to be submitted from the State parties in the period 2011-2015.

6. The Report contains information on the implementation of the dispositions of the Convention, recommendations of the Committee, based even in the Concluding Remarks (December 2010). An important place takes the progress achieved in the legal aspect, institutional, policies, the difficulties/challenges to guarantee the rights of all migrant workers and members of their families. After the Committee recommendations, the Ministry of Foreign Affairs, has informed the relevant institutions in order to inform and to take measures for the implementation of the recommendations.

7. Considering the respect and protection of human rights being one of the main priorities, the Albanian Government is engaged in the fulfilment of international obligations arising from the human rights conventions. Pursuant to the Order of the Prime Minister No.112, dated 05.03.2014 " On the establishment of inter-ministerial working group on preparation and participation in the consideration of reports under international conventions on human rights", the Ministry of Foreign Affairs coordinates the process of the preparations of international reports on the implementations of the human rights conventions, including even the report in the framework of this convention, in cooperation with the state institutions and independent institutions. This report is drafted as a result of work coordination and inclusion of state institutions according to their fields of competence on issues that this convention covers. The Report is prepared in cooperation with the central institutions (Ministry of Interior, Ministry of Education and Sports, Ministry of Social Welfare and Youth) and other independent institutions (Commissioner for the Protection against Discrimination).

8. Pursuant to the domestic legislation, this report was adopted by a Decision of the Council of Ministers (DCM) Nr. 845 date 7 December 2016.

II. General information

1. General information related to the actual reporting period

9. During the actual reporting period on the protection of the rights of all migrant workers and members of their families, there has been a lot of migrating movements (Albanian especially). Important legal, institutional and practical measures are undertaken to confront these changes.

The field of legal provisions regarding the migrant workers and members of their families includes

10. Law "On foreigners" 108/2013, which guarantees improvements relating to the social security for foreigners treatment not to permit their discrimination. In the field of foreigners' integration, it provides the draft and implementation of the National Program of Social Integration of the foreigners from the responsible Ministries. Regarding the social insurances, it is given protection to the foreign citizens and persons without nationalities that work in Albania.

11. In 2014, it is drafted the National Strategy for Employment and Abilities 2014-2020 adopted with the Decision of the Council of Ministers no.818, dated 26.11.2014. In this strategy are included even policies for work migration for the period 2014-2020. The action plan measurements of this strategy, contribute in direct or indirect way in guaranteeing the protection against different forms of discrimination.

12. Law no.10389, dated 03.03.2011, "On some amendments in the law no.9668, dated 18.12.2006 "On the migration of Albanian citizens for employment reasons". Law provides the establishment and functioning of migration counters, which offer information service for the Albanian citizens who want to migrate, also support for the reintegration of migrant returnees.

In the field of bilateral agreements

13. It is in the process of drafting and negotiating the text of the draft agreement between the Swiss Confederation and the Council of Ministers of the Republic of Albania for the exchange of young professionals.

14. In April 2014 the State of Qatar signed the "Agreement between the Government of the Republic of Albania and the Government of the State of Qatar in connection with Regulation of employment of citizens of the Republic of Albania in the State of Qatar".

15. During the first six months of 2014 it is done a great work to continue the implementation of the Memorandum of Understanding between the Ministry of Labour and Social Policy of the Italian Republic and the Ministry of Social Welfare and Youth of the Republic of Albania in connection with the implementation of the Agreement on Labour migration, signed in July 2011.

16. In May 2012 it was signed with the German party the Memorandum of Understanding On Cooperation in the framework of the pilot project "Triple Win Migration".

In the field of social security

17. It is in function the Agreement between the Government of the Republic of Albania and the Republic of Turkey "On social security", which came into force in 2015.

18. Cooperation with Belgium has initiated in March 2010, with the first negotiations and ended with the adoption of the Law No. 35/2014, dated 04.03.2014. The agreement entered into force in January 2016.

19. Cooperation with Macedonia for the Agreement on Social Security. The agreement was approved by the Council of Ministers Decision No. 228, dated 11.03.2015 and signed in Skopje on 17 March 2015, by the counterpart ministers of social affairs.

20. Agreement with the Grand Duchy of Luxembourg. The agreement was ratified by the Parliament, with Law no. 42/2015, dated 16.04.2015.

21. Agreement with Hungary was approved by DCM no. 531, dated 06.08.2014 and was signed in Tirana on 10.12.2014. It is actually undergoing the ratification procedures.

22. The signing of the "Agreement on Social Security between the Republic of Albania and Romania" was held in Bucharest, on February 27, 2015 between the counterpart ministers of Social Affairs. Actually they have started procedures for sending the agreement for ratification practice, in the Albanian Parliament, through the MFA.

23. The agreement with Canada has initiated in October 2013.

24. The agreement on Social Security between the Republic of Albania and the Federal Republic of Germania, adopted in the Council of Ministers with the DCM no.727, dated 02.09.2015, was signed in 23 September 2015 in Tirana. Actually there are being prepared all the necessary procedures for its ratification.

25. The agreement on the Social Security between the Republic of Albania and the Czech Republic. It is adopted in the Council of Ministers with the DCM no.728, dated 02.09.2015 and it is signed in 13 October 2015 in Prague.

26. The Social Security Agreement between the Republic of Albania and the Republic of Austria. The next round of negotiations was held in Vienna during 9 to 13 November 2015, where the parties ratified the text of the basic agreement and agreed on the administrative agreement draft.

27. Actually it is in process the approval of the decision of the Stabilisation and Association Council on the coordination of social security schemes between Albania and the EU, pursuant to Article 48 of the SAA.

28. The beginning of negotiations for the coordination of social security schemes with other countries such as Greece, Kosovo, Spain, France, Croatia, Denmark.

In the field of fight against trafficking

29. Decision no. 115, dated 02.17.2016, approved the Action Plan for Socio-Economic Reintegration of women victims of trafficking. This Action Plan helps in socio-economic development of women and girls VT/PVT in the field of economic empowerment, eg property rights, employment and vocational training, housing, education and social care.

30. On 19 June 2015, it was signed the Regulation on the organization and functioning of the Authority responsible for the identification, referral, protection and reintegration of victims/potential victims of trafficking. During the reporting period, periodic meetings of the Responsible Authority members are held to address specific cases of victims/potential victims of trafficking

In the education field

31. Law No. 69/2012 "On Pre-University Education System in the Republic of Albania" guarantees the right for education of Albanian citizens, foreigners and stateless persons without discrimination.

2. Summarized information on the following issues

(a) Any signature, accession or ratification of treaties of human rights or the relevant international instruments for the implementation of this Convention; in particular, each step taken in terms of ratification of ILO Conventions no. 97 (1949) on Migration for Employment and No. 143 (1975) on Migrant Workers;

32. The Republic of Albania has ratified several Conventions in the field of labor migration. The Convention of the International Labour Organization (ILO) No. 97, "Migration for Employment reasons" (revised) has been ratified by the law no. 9320, dated 25.11.2004. Also it is ratified the Convention No. 143 for migrant workers (additional provisions), 1975, and the Council of Europe Convention "On the legal status of migrant workers", which has been ratified by our country with the law no. 9555, dated 08.06.2006.

(b) Legislation and practices that provide mechanisms to monitor the situation of female migrants, including those employed as domestic workers, and safeguards and guarantees to protect them from exploitation and violence;

33. IOM has recently published a study titled "Assessment for the Protection of Migrant Workers Rights in Albania", which was prepared in framework of the project "Promoting better employment opportunities and protection of migrant workers in Albania" funded by the Government of Sweden, through Coherence Foundation "One UN". For the preparation of the report there are consulted international conventions on migrant workers, the rights of migrant women and other issues related, legislation and regulatory framework on migration in Albania, they were held meetings and discussions with several key players, individual interviews with stakeholders and immigrants in Albania.[1]

34. In addition, it was discussed with some representatives from responsible institutions such as the Ministry of Internal Affairs, Ministry of Youth and Social Welfare, Ministry of Justice, the Director General of Prisons, the National Employment Service, State Labour Inspectorate, Tirana Court, Administrative Court of Appeal in Tirana, Supreme Court, Prosecution of Tirana, the Ombudsman, the Albanian Helsinki Committee.

III. Information on the implementation of the articles of the convention and recommendations of the committee of experts of the convention, on the progress achieved during the period 2011-2015

Information on specific articles

Information on the article 11. (Article 11 — Prohibition of slavery and forced labour)

35. The Labour Code of the Republic of Albania Article 8 prohibits forced labor in all its forms.

36. With compulsory or mandatory means any work or service which the individual against his vullentit, threatening to whatever punishment. It prohibited the use of forced labor as:

(a) Coercive measure or sanction against persons who have or beliefs contrary to the political, economic and social order;

(b) Method of mobilization or exploitation of labor for purposes of economic development;

(c) Disciplinary measure at work;

(d) Conviction for participation in a strike;

(e) A measure of racial, social, national or religious.

37. Ministry of Social Welfare and Youth, has taken the initiative to improve the Labour Code in cooperation and according to the recommendations of the International Labour Organization (ILO). The drafting of this bill was dictated by the dynamics of socio-economic development and the problems encountered in its implementation and in particular from the case law.

38. The draft of the Labour Code is expected to be soon approved by the Parliament, which will contribute in improving the human rights and fundamental freedoms at work, a better balance in the relations between employees and employers in order to avoid the exploitation of labor and employee abuse.

Information on the Articles 25, 27, 28: Principle of equality of treatment in respect of: remuneration and other conditions of work and terms of employment; social security; and the right to receive medical care

Law "On the foreigners" 108/2013 guarantees

39. Improvements regarding social securities, for the treatment of foreigners to prevent discrimination in the treatment of employees.

40. In the area of foreigners' integration, provides the drafting and implementation of the National Programme of Social Integration of foreigners from the responsible ministries.

41. There has been an expansion in the area of the rights of migrant workers, regarding the fact of not revoking and not cancelling of the residence permit, because of health, incapacity in work after getting the residence permit, changes in the labour market or unemployment for a given period (article 41, paragraph 3,4,5 and article 42, paragraph 3,4,5).

42. Revocation and cancellation of the residence permit and consequently, the departure from the territory for employed or self-employed persons does not apply to health reasons or disability after obtaining a residence permit, changing of the labor market or financial difficulties due to the interruption of employment for a period provided by law.

43. With regard to social security they provide protection to foreign nationals and stateless persons, who work in Albania.

44. The employer also has a legal obligation to guarantee to the employees:

(a) The prescribed maximum and minimum duration working hours;

(b) The duration of paid annual leave;

(c) Minimum wage, including increased wages for overtime;

(d) Health and work safety;

(e) Protective measures for the work of pregnant women, women who have recently given birth to a child or breastfeeding, and children;

(f) Prohibition of discrimination.

Information on Article 20: Prohibition of imprisonment, deprivation of authorization of residence and/or work permit and expulsion merely on the ground of failure to fulfil a contractual obligation)

45. The Article 71 of the Law On the Foreigners no. 108/2013 stipulates that a foreigner may be employed in the Republic of Albania equipped with a working permit or business registration certificate, except as otherwise provided by this Law, with international agreements recognized by the Republic of Albania or biased attitude expressed by the Council of Ministers.

46. In Article 39 of Law no. 108/2013 on foreigners is is provided that the Authority Responsible for the Border and Migration provides the foreigner with a residence permit as an employed/self-employed person in accordance with a work permit.

47. The application for a working permit for a foreigner can be done by the foreigner himself, legally staying in the Republic of Albania, or by the employer.

48. The employer has the right to apply for a work permit for a foreigner only after having published for 4 weeks the vacant work place and within the approved quotas, or for the categories specified in Article 83 of this law. Review of the application and issuance of work permit, when the criteria required by the legislation are met, is done within 30 days of application.

49. The employer may not employ a foreigner who resides illegally in the Republic of Albania. When he employs a foreigner, he must notify the relevant employment office and the regional responsible authority for the border and migration within 8 days after starting work the foreigner.

50. Nationals of one of the member countries of the European Union and the Schengen area, who are legally resident in the Republic of Albania enjoy the right to employment as well as Albanian citizens, they do not obtain a work permit or registration certificate.

51. In accordance with the Law on Foreigners No. 108/2013 A work permit for a foreigner, as an employee, within certain quotas, is issued taking into account the developments and needs of the labor market in the Republic of Albania, provided that the number of foreigners working for an employer, shall not exceed 10 per cent of the total number of personnel on the payroll for the previous 12 months.

52. In Article 36 of Law 108/2013 On foreigners, it is provided the right of appeal against the rejection order of issuance, renewal or cancellation of residence permits to direct superior authority that issued the order, and judicially according to the applicable legislation rules.

53. Article 81 of the Law On Foreigners provides that: In case of refusal or cancellation of the work permit, the foreigner is notified in written form. Within 15 days from the date of notification of the refusal or cancellation of the work permit, the foreigner may appeal writing to the Minister in charge of migration and employment issues, who shall reply within 15 days by receiving the complaint.

Information on Articles 29, 30, 31: Right of a child of a migrant worker to a name, registration of birth and nationality; access to education on the basis of equality of treatment; respect for the cultural identity of migrant workers and members of their families)

54. Key documents and bylaws drawn up by the education institutions in the Republic of Albania and which serve the education and integration of the children of migrant workers, with a focus on providing and improving their opportunities and services, are related to:

55. Legal and political aspects related to education and the right to education: Article 5 of Law no. 69/2012 University Education System in the Republic of Albania ", which guarantees" the right to education of its citizens, foreigners and stateless persons without discrimination.

56. Article 11 of Law no. 69/2012 University Education System in the Republic of Albania ", which lays down the right of ethnic Albanians living abroad to be educated. Acceptance is done according to regulations adopted by the Ministry of Education and Sports.

57. Law on Foreigners provides the cooperation of public institutions according to their competence, with social partners, non-governmental organizations and international organizations for the promotion and implementation of programs of integration of foreigners into society.

58. The law also provides that, in all the activities conducted, public institutions and NGOs, provide foreigners with protection against any form of discrimination. Law provides the prohibition of direct and indirect discrimination by legal persons, public and private, throughout the immigration process for employment.

Information on Article 37: Right to be informed before departure of the conditions of admission to the State of employment and of their remunerated activity

59. In this regard there are organized a series of training on "Guideline services for the entrepreneurial for returnees and other legal issues" in the period September-November 2013 "In the series of trainings were included 38 regional and local offices of the National Employment Service, where 2-3 specialist were trained from every office, in a total of 80 participants, with regard to Law on Foreigners no.108/2013 and the functioning of the Immigration counters.

60. On 22 April 2014 it was organized a workshop on "Employment offices and efficiency of migration services" in which were included 38 regional and local offices of the National Employment Service, where were trained specialists from every office and among others are addressed procedures for issuing work permits for foreign nationals , pursuant to the law "on Foreigners".

61. From the employment offices it is given continuous consulence on the application, documentation, criteria and procedures to be followed for the employment of foreigners in Albania.

62. Continuous consulence is given on the application ways, documentation, criteria and procedures to be followed for obtaining exemption from the obligation to obtain a work permit. Also it is related to other employment issues of foreigners in our country. Informative material are given to immigrants who come for employment in Albania.

Information on Articles 38, 39: Right to be temporarily absent without effect upon authorization to stay or work; right to liberty of movement and to choose the residence in the territory of the State of employment

63. With regard to employment and residence, the foreigner in the Republic of Albania has the obligation to adhere to the reason for the issuance of a work permit and residence permit, for which he has migrated. The foreigner equipped with a work permit and residence permit is obliged to notify the responsible authorities of any change of the conditions on which the work permit and residence permit was issued and require its approval if the change relates to:

(a) Name and address of the employer;

(b) The valid contract of work that covers the period for which the work permit is issued;

(c) The authorized activities as an employed person.

Information on Articles 49 & 56: Authorization of residence and authorization to engage in a remunerated activity; general prohibition and conditions of expulsion

64. A foreigner may be employed in the Republic of Albania, getting a work permit, or a certificate of work registration, always in accordance with profitable activity that he/she will run by getting a residence permit for employment/self-employment reason in the Republic of Albania. However in this regard there are some legal provisions which stipulate the exemption from the obligation to obtain a work permit for foreign nationals categories as follows:

65. Citizens of the European Union and the Schengen Area in accordance with the law "On foreigners", No. 108/2013 does not obtain a work permit or a registration certificate to work in our country, they enjoy equal rights with the Albanian citizens in the area of employment and self-employment. This provision is due to the approximation of national legislation with EU directives, as an obligation of the Stabilisation and Association Agreement.

66. Citizens of the United States do not obtain a work permit or o registration certificate to work in our country, they enjoy equal rights with the Albanian citizens in the field of employment in accordance with Article 147 paragraph 2 of the Law "On foreigners" No 108/2013.

67. Citizens of the Republic of Kosovo and the citizens of the Republic of Serbia of the Albanian ethnicity did not obtain a work permit or a registration certificate to work in our country, in accordance with Article 71 Paragraph 1 of the Law "On foreigners" No 108/2013 and the Council of Ministers Decision 265, dated 07.05.2014.

Information on Article 65: Establishment of appropriate services to deal with questions concerning international migration of workers and members of their families

68. Pursuant to Law no. 9668, dated 18.12.2006, "On Emigration of Albanian citizens for employment purposes", as amended by Law no. 10389, dated 03.03.2011, "On Amendments and Additions to the Law no. 9668, dated 18.12.2006, "On Emigration of Albanian citizens for employment reasons and the primary acts adopted for its implementation, continuous training for free of Albanian citizens before migration and after their return to the country.

69. Article 8, paragraph 1 of the Law provides: "The responsible state authorities or private employment agencies must ensure the Albanian citizens who wish to emigrate, including returning migrants, the right to be informed and free counseling in the field of vocational training, mediation services for employment, social security, organizing unions, opportunities for housing, education and social security, as well as knowing the and work conditions in the host country by means of media, brochures etc."

70. Whereas item 1 of the paragraph 1 of this Article provides: "In the relevant employment offices are established and function immigration counters, which provide information service for Albanian citizens who wish to emigrate, as well as support for the reintegration of returning migrants."

71. Paragraph 2 of Article 8 provides that the Ministry of Labour, Social Affairs and Equal Opportunities helps in organizing free training courses, improving language skills or basic knowledge for the required professions by the host country for Albanian citizens, who

want to emigrate, as well as for their family members, who will emigrate or be reunited with them, provided that they are registered in the "register for immigrants".

72. Throughout the country there have been established 36 Migration Counters. They are located in regional and local employment offices and have the duty to inform the Albanian citizens who want to emigrate for employment reasons and the Albanian citizens returning from emigration to facilitate their reintegration in the country on their return.

Information on Article 66: Authorized operations and bodies for the recruitment of workers for employment in another State

73. In 2011 was adopted the law no.10389, dated 03.03.2011 "On some amendments to Law no. 9668, dated 18.12.2006 "On Emigration of Albanian citizens for employment purposes". The law stipulates the establishment and functioning of immigration counters, which provide information for Albanian citizens who wish to emigrate, as well as support for the reintegration of returning migrants. The law also defines the obligations of the institutions for provision of reintegration services of returned Albanian citizens returned in the field of employment, vocational training, social care, education, housing, agriculture and transport and the opening of small or medium enterprises.

74. Informational structures raised on the local and regional level as the Immigration counters provide information for the Albanian citizens before their migration and after their return to the country. Through pre-departure information is intended a well-organized migration about the conditions of the host country as well as organizations that protect the rights of migrants in these countries. The information and the support for reintegration given to Albanian citizens after their return to the country aims to inform citizens who return for the rights they have after returning to the country and to facilitate the obtaining of services related to these rights, as services in the field of employment, education, health, social security, health insurance, agriculture etc.

Information on Article 67: Measures regarding the orderly return of migrant workers and members of their families to the State of origin, their resettlement and cultural reintegration[1]

IV. Information on the issues and recommendations presented by the committee of experts after reviewing the report of Albania

Recommendation No. 12: Information on national regulating legislation on migration, including the law "On migration of Albanian citizen for employment purposes", the Law "On foreigners", as well as specific information about their implementation

75. In 2011 was passed the law No.10389, dated 03.03.2011, "On amendments and additions to the law No. 9668, dated 18.12.2006" On Emigration of Albanian citizens for employment purposes". The law stipulates the establishment and functioning of immigration counters, which provide information for Albanian citizens who wish to emigrate, as well as support for the reintegration of returning migrants. Law also establishes obligations of the institutions for provision of reintegration of returned Albanian citizens in employment, vocational training, social care, education, housing, agriculture and transport and the opening of small or medium enterprises.

[1] Refer to the Recommendation No. 36 as follows.

76. Changes made with the adoption of the law no.10389, dated 03.03.2011, in 2011 "On amendments and additions to the law no. 9668, dated 18.12.2006 On Emigration of Albanian citizens for employment purposes" enable the implementation of convention obligations for the reintegration of Albanian migrant workers, who return to their country and their family members.

77. The most important event in the improvement of Albanian legislation on migration during 2013-2014, was the adoption of the Law "On Foreigners" No. 108/2013, dated 28.3.2013 published in the Official Gazette on April 5, 2013, which came into force on April 20, 2013.

78. The Law "On Foreigners" 108/2013 aims the inclusion and implementation of the commitments undertaken by the Government of the Republic of Albania in the framework of the National Plan for the Approximation of Legislation and the Implementation of the Stabilisation and Association Agreement. Also this law, reflects the provisions of the European Union acquis in the field of migration and the recent recommendations of the EU.

79. It ensures the access to the labor market to EU citizens for employment without applying for work permits and their treatment as well as Albanian citizens, in terms of employment, conditions of employment, remuneration, study, training, workers' union.

In the field of the foreigners' integration

80. The law "On foreigners" No. 108/2013, removed the article on the rights of foreigners employed in the Republic of Albania, which was considered as a limitation on the rights of foreigners which were not mentioned in that article, since the Constitution of the Republic of Albania was clear that foreigners in the Republic of Albania enjoy the same rights as the Albanian citizens, which increases the spaces and removes the restrictions on the rights of foreign nationals in the Republic of Albania. Foreigners' policies are also part of the "National Strategy for Employment and Skills 2014-2020" and its Action Plan.

81. In 2014, it is worked on the National Strategy for Employment and Skills 2014-2020 approved by the Council of Ministers No.818, dated 26.11.2014. This strategy also includes labor immigration policy for the period 2014-2020. The measures of the action plan of this strategy contribute directly or indirectly to guarantee protection from various forms of discrimination. Measures in the field of immigration are intended to:

- Strengthen the informative and counselling capacities for immigration;
- Review the existing legislation regarding the functioning of private employment agencies in compliance with ratified international work standards;
- Strengthen the cooperation between public and private employment. Drafting and signing the cooperation agreements with private employment agencies;
- Monitor the private employment agencies for the conducted mediation;
- Improve the infrastructure for providing services to immigrants;
- Increase cooperation with other countries for employment migration management through bilateral labor agreements;
- Recognize professional qualifications and professional experience gained abroad;
- Continuous approximation of immigration legislation with that of the European Union.

82. During the years 2013-2014 the normative part of the migration are made:

- Decision of the Council of the Ministers No. 76, 77, 69, 68, 67, 66, 85, 84, 83, 82, 81, 80, 79, 78, 74 and 75, dated 12.02.2014, "On the criteria, of documentation of

the procedure for the equipment, rejection and cancellation of the work permit" where there are included respectively all types of employment for the foreigner citizens;

- Decision of the Council of Ministers No.70, dated 12.2.2014, "On defining the criteria, documentation and procedure for obtaining a certificate of registration in work";
- Decision of the Council of Ministers No. 265, dated 07.05.2014, "On the exemption from the obligation to obtain a work permit or certificate of registration to work for the citizens of the Republic of Kosovo and the citizens of the Republic of Serbian of Albanian ethnicity";
- Order of the Minister No.147 dated 09.07.2014 "On the declaration for Employment of the Citizens of the European Union, the Schengen zone, the United States and citizens of the Republic of Kosovo and the citizens of the Republic of Serbia, being ethnic Albanians".

Recommendation no. 16: Information with data, in accordance with the guidelines of the Convention, including reliable, regular, updated and categorized data as a tool for effective migration policy and for the implementation of various measures of the Convention

Statistical Information for the foreigners from the years 2011-2015

83. According to figures analyzed during 2011-2015, the number of foreigners immigrating to Albania for employment reasons is increased. The employment situation of foreigners by sectors of activities they run, compared with the previous years is as follows:

84. In 2011, a number of 2300 foreign citizens are given work permits and a number of 74 foreign citizens are excluded from the obligation to get a work permit.

85. In 2012, a number of 2499 foreign citizens are given work permits and a number of 180 foreign citizens are excluded from the obligation to get a work permit. 1830 foreign citizens, in percentage about 73%, obtained a work permit for the first time.

86. In 2013: a number of 2,958 foreign citizens obtained work permits (2,189 work permits and 769 employment certificates) data taken from the National Service of Employment and Employment Offices under its authority.

87. In 2014: a number of 3,443 foreign citizens obtained work permits (2,054 work permits and 1,389 employment certificates) or 16% more than a year before.

88. The region which has had the largest influx of foreign nationals to obtain a work permit is Tirana, with about 50% of work permits for the years 2012 and 2013 and 41.1% for 2014.

Table1

The distribution of work permits issued for the foreigners, according to the Employment Offices

The distribution of work permits	*2011*	*2012*	*2013*	*2014*
GDNES -- Tirana	50%	48%	50%	41.1%
GDNES	16%	20%	13.7%	13%
GDNES — Lezha		1.3%	7.7%	2.6%
GDNES — Fier	8%	9%	7.7%	8.6%

The distribution of work permits	2011	2012	2013	2014
GDNES — Shkodra	7%	2.6%	2.8%	1.41%
GDNES — Durres		5.1%	5.7%	4.4%
GDNES — Elbasan		3.3%	6.9%	14%
Total	**2 300**	**2 499**	**2 189**	**2 054**

Source: General Directory of National Employment Service. Tirana, 2015

89. According to the sources from MSWY, the first place is taken from the work permits for the employee category, (1938 in the year 2011, 1,802 in the year 2012, 1,888 year 2013 and 1,792 for the year 2014. In the second place are the demands of the self-employed (161 in 2011, 258 in 2012, 234 in the year 2013 and 177 in the year 2014). In third place are the demands of investors.

90. The most favorable sector for the employment of the foreigners is the construction (10% in 2011 to 19% in 2012 to 25% in 2013 and 31% in 2014), followed by services (11% in 2011, 7% in year 2012 13% 2013 and 17% in 2014), extractive industry (12% in 2011, 12% in 2012, 10% in 2013 and 14% in 2014) and trade (16% per year, 15% in 2012, 12% in 2013 and 9% in 2014).

91. According to nationality, the first place is taken from the non-member countries of the EU, the Turks (25% 2011, 19% in 2012, 39.5% in 2013 and 52% in 2014), followed by Chinese (11% in in 2011, 7.5% in 2012, 5% in 2013 and 12% in 2014) and Canadians (7.5% in 2011, 8% in 2012, 7% in 2013 and 8% in 2014).

Table 2

Issuance of work permits, categorized according to states

	2011		2012		2013		2014	
	AP	*%*	*AP*	*%*	*AP*	*%*	*AP*	*%*
Turkey	593	26	474	19	865	39.5	1 068	52
China	273	12	188	7.5	112	5	248	12
Canada	-		195	8	156	7.1	162	7.8
India	-		17	0.6	37	1.7	54	2.6
Serbia	-		11	0.4	15	0.6	37	1.8
Egypt	-		26	1	47	2.1	32	1.5
Total	**2 300**		**2 499**		**2 189**		**2 054**	

Source: General Directory of National Employment Service. Tirana, 2015

92. The foreigners equipped with a work permit were mostly men (86.2% in 2012, 88.5% in 2013 and 92% in 2014.

Graph

The number of female citizens equipped with work permit in years

Source: Ministry of Social Welfare and Youth

Note: In this table it is not set the number of declaration certificates issued to the residents of EU, Schengen zone, USA and the Republic of Kosovo nationals and citizens of the Republic of Serbia, ethnic Albanians, who are not provided with work permit to work in Albania from 2013-2014.

93. During 2011, 2012, 2013 and 2014 are excluded from the obligation to obtain a work permit 74, 180, 199 and 194 persons respectively. Most of these exceptions are in Tirana (89% 2011, 58% in 2012 and 2013, 64% in 2014), in Elbasan (respectively 24% in 2012, 1.5% in 2013 and 11% in 2014) and Shkodra (2.7% (2012), 24% (2013), 6% (2014).

94. By nationality, most of the exemptions are made for Turkish citizens (0.5% in 2012, 18% in 2013, 22% in 2014), South Koreans (3% in 2013 and 14, 8% in 2014), Chinese (respectively 14%, 9%, 12%), Brazilians (respectively 4.5% in 2013 and 10% in 2013), Indians (respectively 3%, 7%, 8% and Canadian (respectively 0.5% in 2012 and 5.6% in 2014). Most of those excluded from this obligation are missionaries, professional and voluntary workers. In 2014 they accounted for respectively 60.3%, 14% and 10.3% of the exceptions. The informal foreign employees accounted for 10% of foreigners in 2012 8% 2013 and 1% in 2014.

Statistical information for 2015

95. Based on the collection and analysis of statistical data for the first 9 months of 2015, the Regional Directorates that have the highest number of applications and declaration certificates for employment are:

- Work permit given according to the activity:

Chart 3

The most favorite sectors, if we take into consideration the development of economic activity

Source: General Directory of National Employment Service

- Declaration certificates for employment according to the activity:

Chart 4

The most favorite sectors, if we take into consideration the development of economic activity

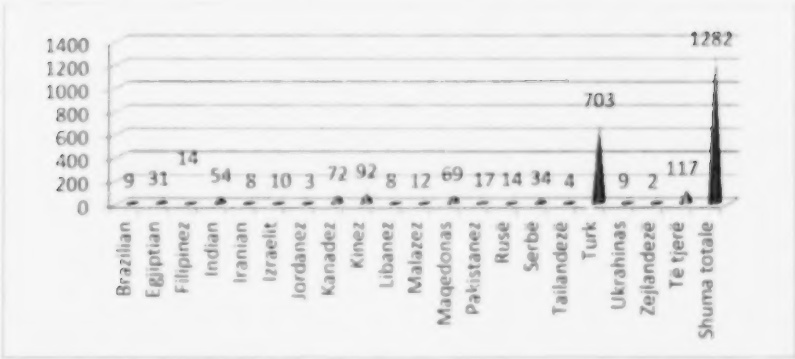
Source: General Directory of National Employment Service

- Categorization according to nationality:

96. According to the following table, the number of foreign nationals, equipped with a work permit and employed near various entities operating in Albania, is as follows:

Graph 5

Work permit issued according to nationality

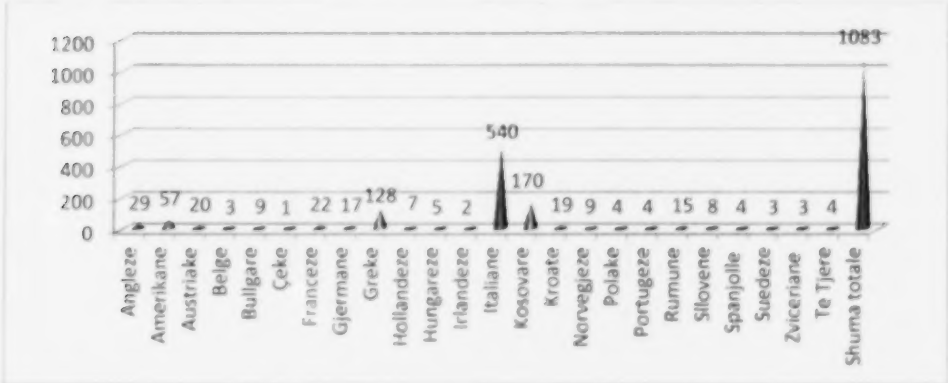


Source: General Directory of National Employment Service

97. The number of foreign citizens, equipped with a declaration certificate, is as follows:

Graph 6

Declaration certificates issued according to nationality



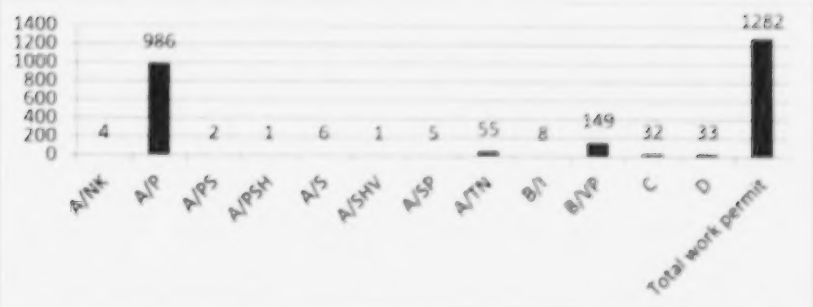
Source: General Directory of National Employment Service

- Work permit categorized according to type:

98. According to the work permit, the category of employer, with 82% of work permit.

Chart 7

Work permit divided according to permit type



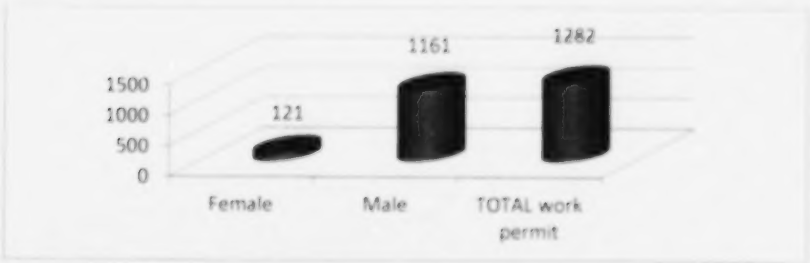
Source: General Directory of National Employment Service

- According to gender:

99. The number of work permit issued for the first time 860. From 1282 work permit given in total for this period 121 or 9% of them are given for female foreigner citizens.

Chart 8

Work permit issued according to gender

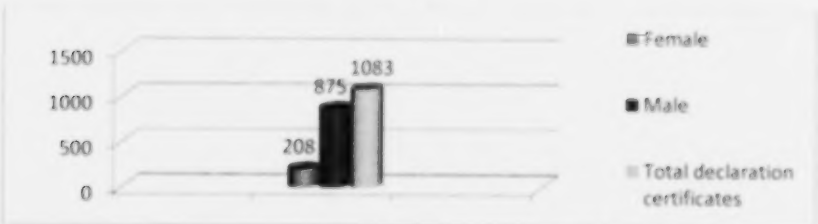


Source: General Directory of National Employment Service

100. From 1083 work declaration certificates given for this period, 208 are given for foreigner female citizens, 820 belong to the category of employees, 254 to the self-employed and 9 certificates given for investors.

Graph 9

Declaration certificates issued according to gender



Source: General Directory of National Employment Service

Qualitative analysis of work permits and declaration certificates

101. From the data presented, related to work permits issued for this 9 month period, a decrease of 5% of their total number, compared with the first 9 months of 2014.

102. With regard to citizenship, Turkish citizens continue to dominate, with 703 work permits, or 55% of the total. Turkish citizens have been growing by 87 work permits more compared with the same period a year ago.

103. If we consider the development of economic activity, the favourite sector for this is the construction, with 465 work permits or 36% of the total, from 20% of the total that was in the first 9-months of the last year.

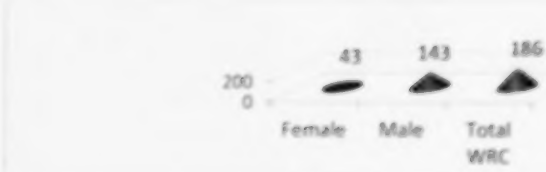
104. Regarding employment certificates, there is no significant change compared with the same period of the last year, Italian citizens continue to be the largest category provided with this document, with about 50% of the total, followed by the Kosovo citizens with 16%.

105. If we consider the development of economic activity, the favourite sector for this period is the wholesale and retail trade and repair of motor vehicles, with 208 certificates, or 19% of the total, in contrast to the 9 month period of 2014, when the processing industry was with 112 certificates, or 12% of the total.

106. Information on the exemptions from the obligation to obtain a work permit for the period January-September 2015; referring to the existing documents, it results that: during January-September 2015, a number of 186 foreign nationals are equipped with work registration certificate, as follows:

Graph 1

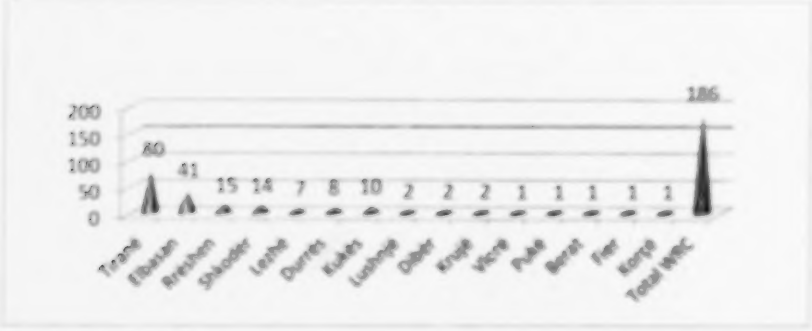
Category of the persons who profit the work registration certificate according to gender



Source: Directory of Employment and Migrating Policies

Graph 2

Category of beneficiaries of the work registration certificate by residence

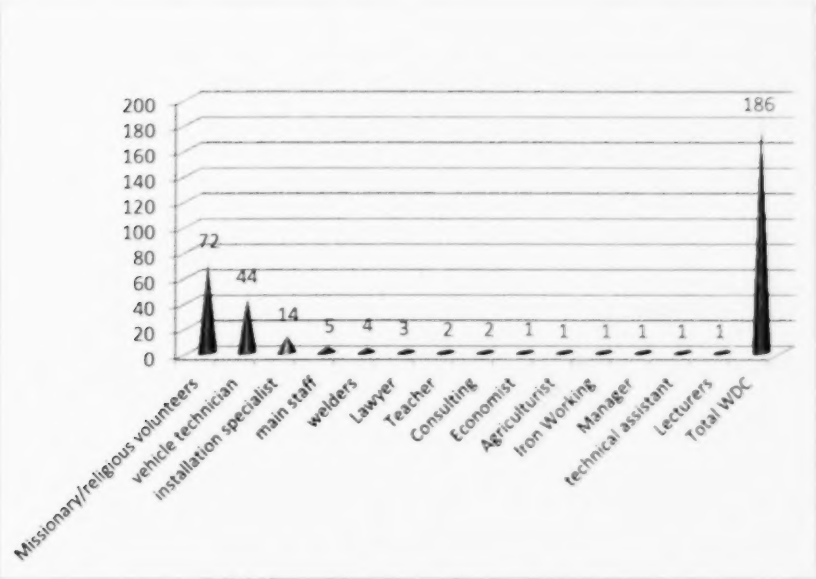


Source: Directory of Employment and Migrating Policies

107. From 186 persons in all, 80 of them, or 43% of the total, are resident in Tirana.

Graph 3

Category of beneficiaries of the work registration certificate by professional status

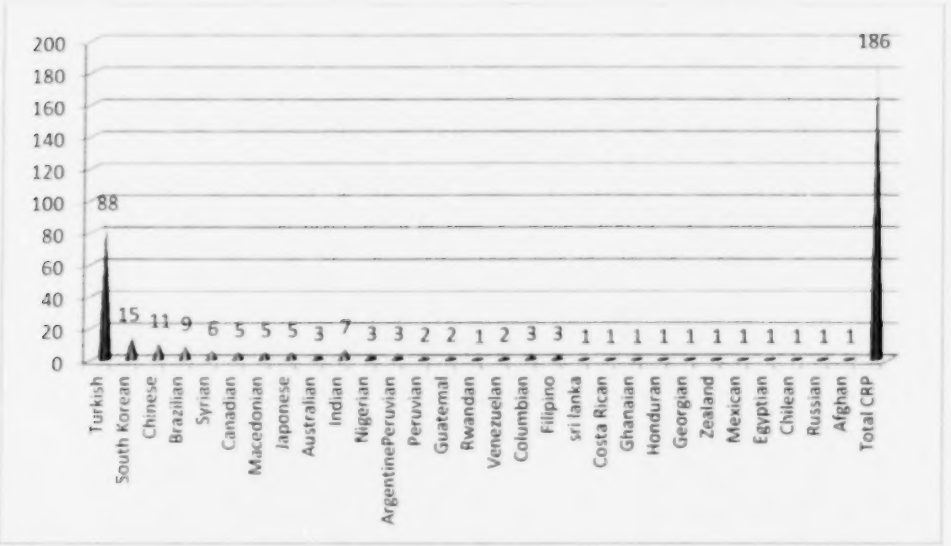


Source: Directory of Employment and Migrating Policies.

108. As noted, the category with the status of religious volunteers, 72 people or 38% of the total, occupy the first place.

Graph 4

Category of beneficiaries of the work registration certificate by nationality



Source: Directory of Employment and Migrating Policies

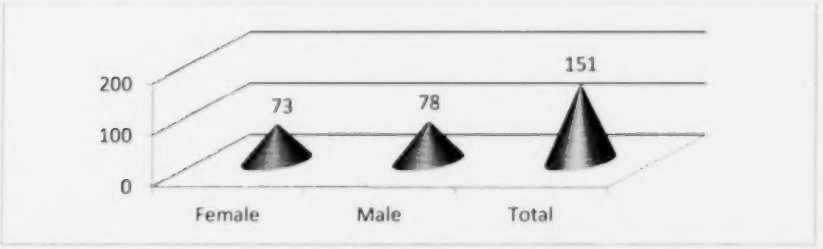
109. From the data, it is noticed that the largest number, is occupied by Turkish citizens 88 persons, or 47% of the total, followed by those with Korean and Chinese nationality, with 15 and 11 persons respectively.

110. Tirana continues to be the city with the highest concentration of this category, with 88 citizens, whereas in terms of occupation, 72 people were religious volunteers.

111. During the period January-September 2015, a number of 151 foreign nationals are equipped with the Employment Declaration Certification, in accordance with Article 71, paragraph 1, 72 "a" and 147 paragraph 2 of the Law "On foreigners", Nr. 108/2013, as well as DCM, No. 265, dated 07.05.2014.

Graph 5

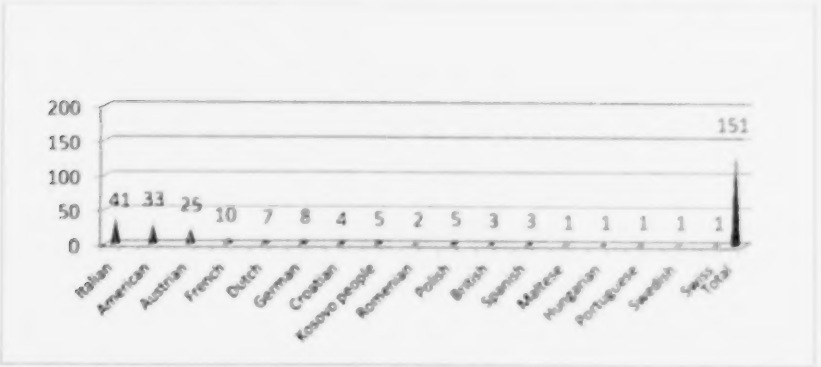
Category of beneficiaries of the work registration certificate by gender



Source: Directory of Employment and Migrating Policies

Graph 6

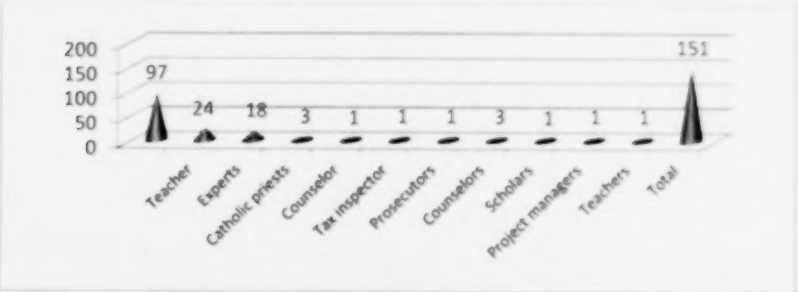
Category of beneficiaries of the work registration certificate by nationality



Source: Directory of Employment and Migrating Policies

Graph 7

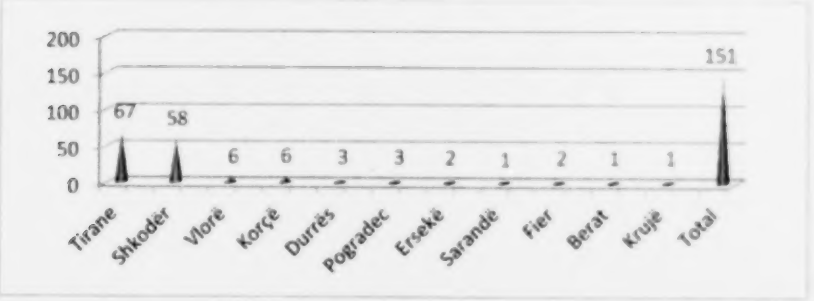
Category of beneficiaries of the work registration certificate by professional status



Source: Directory of Employment and Migrating Policies

Graph 8

Category of beneficiaries of the work registration certificate by residence



Source: Directory of Employment and Migrating Policies

112. The data show that Italian nationals dominate with 41 people, or 27% of the total. In the second place are the US citizens, 33 persons, or 21% of the total number. The number of US citizens has increased significantly, with 45% more certificates statement, compared to the same period of 2014.

113. Tirana is the city with the highest concentration of this category, 67 citizens or 44% of the total number. Regarding to the profession, the first place is occupied by the religious volunteers, with 97 people or 64% of the total, in the second place, with 24 people or 15% of the total, are the teachers.

Migrating movement of Albanian people

114. Regarding the immigration of Albanians in the period 2011-2015, the Albanian emigration is characterized by the return of Albanian migrants in their country of origin. Migration counters (MC) are structures established to assist returned Albanian citizens to facilitate their reintegration in the country.

115. Across the country there have been set up 36 Migration Counters. In implementing the Strategy for the Reintegration of Returned Albanian Citizens 2010-2015 and its Plan of Action, these structures interview returned Albanian citizens who appear in the migration counters, provide information for public and private, in accordance with their needs (if there are any) and make reference to public and private services (if any) as well as specific projects of civil society in accordance with the needs of its returnee. The returned Albanian citizens, appear voluntarily at these counters.

116. From January 2011 to June 2015 a number of 4673 returned Albanian citizens showed up to Immigration Counters. From 2012 to 2015 there is a decrease in the number of Albanians who showed up to migration counters. Women make up half of returned Albanian citizens who showed up at the counters of migration.

Table 1
Returned Albanian citizens registrated in the migration counters (MC) by years

Year	*Year 2011*	*Year 2012*	*Year 2013*	*Year 2014*	*January-June 2015*
Albanian Citizens	896	1 536	1 171	834	236

Source: Report of monitoring the Action Plan of the Strategy for Reintegration of Returned Albanian Citizens 2010-2015 Ministry of Social Welfare and Youth. National Service of Employment.

117. The greatest number of returnees is long term and family return. This group of citizens shows a greater need for support for reintegration. Considering a long term return together with their family, their need for reintegration has been greater, having so the need to show at the migration counters to get services. A small number of returned citizens result to have made a temporary and individual return. This because of their uncertainty to stay in Albania after their return, because going at the migration counters, shows that they need services for their integration.

118. Greece and Italy are the main countries the citizens are returned from. This because of the fact that the majority of Albanians have migrated in these two countries. The Albanian citizens returning from Greece constitute 80% of the all registered citizens in migration counters, whereas the Albanian citizens returned from Italy constitute a number of 14% of the persons registered in the migration counters. The returnee from other European Union countries and other non-member countries constitute a smaller number.

Table 2

Albanian citizens shown to the migration counters by state they are returned from for the year 2012, 2013, 2014 and 2015

Year	*Year 2012*		*Year 2013*		*Year 2014*		*January-June 2015*	
State		%		%		%		%
Greece	1 321	86	963	82%	679	81	166	70%
Italy	188	12.2	131	11%	121	14	59	25%
Other EU countries	17	1.1	64	5.4%	21	2.5	8	3%
Non-member countries	10	1	13	1%	12	2	3	1.2%

Source: Report of monitoring the Action Plan of the Strategy for Reintegration of Returned Albanian Citizens 2010-2015. Ministry of Social Welfare and Youth. National Service of Employment.

119. Most of the returned people are because of the unemployment in the host country. It is noticed that from 2012 to 2015 the number of people returned for other reasons, among which even for investments, although it is still small. A reason for this small number is the fact that this group does not show up at the migration counters, because they return with a well-organized plan and work to implement it. The citizens who go to the migration counters might be those who have not consolidated yet or lack the funds to invest and open their business or need more information in this regard.

120. In general, the reasons that made the Albanian citizens return during the years 2012, 2013 and 2014 have not had major changes. However in 2014 there was a downward trend of returns due to the lack of documentation and an increase in returns for other reasons (not unemployment).

Table 3

Returned Albanian citizens registered in the MC according to the cause of their return for the years 2012, 2013, 2014, 2015

Year	*Year 2012*		*Year 2013*		*Year 2014*		*January-June 2015*	
Returning cause		%		%		%		%
Unemployment	1 348	88%	1 060	91%	736	88%	206	87%
Lack of documentation	31	2%	67	5.1%	43	5%	15	6.3%
To invest	9	1%						
Other causes			43	3.7%	55	6.5%	15	6.3%

Source: Report of monitoring the Action Plan of the Strategy for Reintegration of Returned Albanian Citizens 2010-2015. Ministry of Social Welfare and Youth. National Service of Employment.

121. The greatest part of returned Albanian citizens shown up to the migration counters, belong to the age group 25-34 years old, 35-44 years old and 45 years old and more. There is not such a big difference in years regarding the age group of returned Albanian citizens shown up to the migration counters.

122. The majority of returned Albanian citizens who have showed up to Migration Counters to receive reintegration services are in the most part with 9 year education and secondary education.

Recommendation no. 20: Information on non-discrimination of all migrant workers and their families as well as information campaign

123. The Parliament of the Republic of Albania in 04.02.2010 approved the Law no. 10221 "On the Protection against Discrimination". This law aims to promote the principle of equality and non-discrimination and provide effective protection from discrimination and any form of conduct that encourages discrimination.

124. Regarding the aim of the Law "On Protection from Discrimination" in the Article 1 it is provided that the law defines the implementation and respect of the principle of equality with regard to race, color, ethnicity, language, gender identity, sexual orientation, political opinions, religious or philosophical beliefs, economic, educational or social situation, pregnancy, parentage, parental responsibility, age, marital or family status, marital status, residence, health status, genetic predispositions, disability, affiliation with a particular group or for any other reason.

125. According to Law no. 10221/2010 "On Protection from Discrimination" discrimination shall mean "any distinction, exclusion, restriction or preference based on any cause mentioned in Article 1 of this law, which has the purpose or effect hindering or making impossible the exercise in the same way as the others, to the fundamental rights and freedoms recognized by the Constitution of the Republic of Albania, with international acts ratified by the Republic of Albania and the laws in force."

126. As forms of discrimination, the law provides the direct and indirect discrimination, discrimination by association, concern, instruction to discriminate, denial of a reasonable accommodation and victimization.

127. Law "On Protection from Discrimination" provides the prohibition of discrimination in exercising the right to elect and to be elected, according to which "prohibits discrimination in exercising the right to vote, to be elected and to be appointed to a public office, for the reasons mentioned in Article 1 of this law "(Article 9); and the prohibition of discrimination in the exercise of freedom of conscience and religion, according to which "it is prohibited the discrimination in exercising freedom of conscience and religion, especially when dealing with their expression individually or collectively, in public or in private, through worship, education, practice and observance "(Article 10).

Recommendation No. 28: Information about the signing of bilateral agreement in the field of social insurances, legal framework and migration policies, including respective responsibilities of different entities of government and the composition of state management system of employment abroad

128. In April 2014 in Qatar, the Council of Ministers of Albania and the Government of the State of Qatar signed an Agreement regarding the Regulation of employment of citizens of the Republic of Albania in the State of Qatar. The agreement regulates and facilitates the recruitment procedure of the Albanian workforce in the State of Qatar. It establishes a closer and direct collaboration between the Ministry of Labour and Social Affairs of the State of Qatar and the Ministry of Welfare and Youth of the Republic of Albania. The agreement facilitates the access demand — offering among employers in the State of Qatar and Albanian citizens who want to be employed in the State of Qatar, through the involvement of state institutions in the process of recruitment. It creates the possibility of recruitment through state channels by strengthening the protection of the rights of the Albanian citizens who are employed in the State of Qatar.

129. It is under process the drafting and negotiation of the draft agreement between the Swiss Confederation and the Council of Ministers of the Republic of Albania for the exchange of young professionals. The object of the draft agreement is the employment for a

limited time of Albanian citizens, young professionals in Switzerland in order to further increase their professional and linguistic knowledge and vice versa.

130. During the first six months of 2014 it is being worked to continue the implementation of the Memorandum of Understanding between the Ministry of Labour and Social Policies of the Republic of Italy and the Ministry of Social Welfare and Youth of the Republic of Albania in connection with the implementation of the Agreement on Immigration Labour, signed in July 2011. The implementation of the Memorandum started in November of 2011 until the end of 2013. Due to the projects that supported its implementation it became possible for about 700 candidates to acquire the right of preference to enter the Italian labor market. Many of them obtained a work permit and the opportunity to work in the Italian state.

Establishing cooperation with private employment agencies

131. Signing in April 28, 2015 of the Memorandum of Understanding between the Ministry of Social Welfare and Youth of the Republic of Albania and Europe Agency, April 2015-December 2016. The purpose of the memorandum is the commitment of the Parties to publish and recruit Albanian jobseekers for different positions of work overseas.

Agreements with other countries within social protection schemes for workers

132. Albania has signed several agreements with other states. Specifically as follows it is presented the progress of agreements on social security:

133. Actually it is being implemented the Agreement between the Government of the Republic of Albania and the Republic of Turkey on social security ", which entered into force in 2005 and is being implemented by competent institutions that are the Institute of Social Insurance and the Compulsory Security Fund of Health Care.

134. Cooperation with Belgium started in March 2010, with the first negotiations and ended with the adoption of the Law No. 35/2014, dated 04.03.2014. The agreement will enter into force in January 2016 and it is expected to benefit about 35 thousand Albanian nationals and Belgian nationals living and working in the Republic of Albania.

135. Cooperation with Macedonia on the Agreement on Social Security began in 2011. The agreement was approved by the Council of Ministers with the Decision No. 228, dated 11.03.2015 and signed in Skopje on 17 March 2015, from the counterpart ministers of social affairs. There are about 1,500 Albanian citizens and about 300 Macedonian citizens who will benefit from the Macedonian social and health security schemes in both countries. The agreement is actually subject to ratification by the Parliament proceedings.

136. Cooperation with Hungary started in 2011. Although the number of Albanian citizens in Hungary and Hungarian ones in Albania is not significant, the agreement is important because immigrants are protected even in other countries which we have bilateral agreements with. The agreement has been approved by DCM no.531, dated 06.08.2014 and was signed in Tirana on 10.12.2014. It is currently undergoing ratification procedures.

137. Negotiations for the drafting of the bilateral agreement with Romania for social security have started in 2012, as a result of the repeal of the existing Agreement of 1956, which was inapplicable to the new economic and social conditions of the country. The number of beneficiaries is low but it is worth for the benefit of the pension and other health benefits during the time that the Albanian citizens live and work in Romania and vice versa. The signing of the "Agreement on Social Security between the Republic of Albania and Romania" was held in Bucharest, on 27 February, 2015 between the counterpart ministers of Social Affairs. Actually they have started the procedures for sending the agreement for ratification practice, in the Albanian Parliament, through the MFA.

138. The agreement with Canada started in October 2013 and was adopted by the Council of Ministers with the Decision No. 336, dated 22.04.2013. There are about 29 thousand Albanians who immigrated to Canada after 90's that have working records in Albania and in Canada and in a few years will benefit pension by joining insurance periods in both countries. It is worth mentioning that from the agreement benefit many Canadian employees, who work as sent to Albania by their companies headquartered in Canada. This agreement will be subject to signing and then ratification procedures in Parliament.

139. The agreement with the Grand Duchy of Luxembourg started in 2012 and continued with the negotiation procedures to its signature. In October 27, 2014 it was signed by the ministers of the two countries. The agreement was ratified by the Parliament, with Law no. 42/2015, dated 16.04.2015. Negotiations went on to finalize the administrative regulation and technical forms of implementation during the years 2014-2015. In this agreement there are not accepted benefits for health-care only in cases where the person is insured voluntarily. Procedures of implementing the agreement are going on in cooperation with the MFA and the implementing institutions.

140. The next round of negotiations was held in Berlin, Germany in April 2015, where both Parties agreed on the text of the Agreement and the Final Protocol annexed to this Agreement. The agreement is officially translated and further has undergone the process of giving and reflecting opinions by the Line Ministries. It was approved by the Council of Ministers with the Decision No. 727, dated 09/02/2015 and signed on 23 September 2015 in Tirana. Actually are being prepared all the necessary procedures for its ratification. Its implementation will be of great interest for Albanians living in Germany who are 14 thousand and 300 people as well as for German nationals who come to work in the Republic of Albania.

141. Negotiations on the Agreement with the Czech Republic began in 2012 on the Agreement on Social Security. In the last round of negotiations, held in the Czech Republic was concluded the agreement on social security. During this round were approved by both Parties the basic agreement on social security, as well as administrative agreement. The agreement is officially translated and it has undergone the process of giving and reflecting the opinions in the Line Ministries. It was approved with the Council of Ministers Decision No. 728, dated 09/02/2015 and signed on 13 October 2015 in Prague. Actually are being prepared all the necessary procedures for its ratification.

142. June 2-5, 2015 negotiations were held in Tirana for the Social Security Agreement between the Republic of Albania and the Republic of Austria, which focused on discussing the Draft text which was proposed by the Austrian Party. During the discussion of the text there were changes in specific articles, which consist in the improvement of certain provisions dealing with social security and linguistic issues. As a result of the talks it was agreed on a draft agreement on social security. The next round of negotiations was held in Vienna during 9 to 13 November 2015, where the parties drafted the text for social security and agreed on the draft of administrative agreement.

143. Actually it is in process the approval of the decision of the Stabilisation and Association Council to coordinate social security schemes between Albania and the EU, pursuant to Article 48 of the SAA.

The Start of negotiations on the coordination of social security schemes with other countries

144. SSA has expressed interest and is working to increase the number of bilateral agreements on social security, in cooperation with the Ministry of Foreign Affairs and diplomatic missions, mainly in Italy and Greece, where there are a high number of Albanian immigrants. Italy has begun cooperation at the technical level to analyze and

evaluate the social security systems in the two respective countries, to continue later with their negotiations on the bilateral agreement.

145. It started cooperation with the government of Kosovo to have a social security agreement between the two countries in defense of the citizens of the two countries with elements of social and health insurance. Information relating the functioning of social protection schemes in both countries, to continue with negotiations on the draft agreement.

146. It started the cooperation with the Government of Spain, Croatia, Denmark, and France, which have expressed interest to start negotiations for bilateral agreements, a proposal which was welcomed by the Albanian Government and led to bilateral exchanges of information for social security's systems. MMSR is interested to start cooperation with Bulgaria after numerous problems faced, which will find solutions to the drafting of a new agreement on social security between the two countries. MMSR is working to conclude agreements with other EU Member States and European countries outside the EU, such as Switzerland.

Recommendation No. 34: Information on presentation and report of the situation of seasonal workers[1]

Recommendation No. 36: Information about the signed agreement from Albania and hosting countries that include appropriate procedurial guaranteesfor migrants, which facilitate the voluntary return of migrant workers and members of their families, as well as their social and cultural sustainable reintegration.

For the reintegration of returned Albanian citizens are taken these measures

147. Improvement of the existing legal framework concerning support for reintegration. In the period 2011-2015, there are adopted two new laws that changed the existing legislation, seven Decisions of the Council of Ministers, three Orders of the Minister and six Directives of the Minister. Legal changes are in the area of return and reintegration, employment, vocational training, education, housing and agriculture and reflect the obligations of state institutions to facilitate the reintegration of returned Albanian citizens.

148. Creation and improvement of the institutional framework to support the reintegration of Albanian returnees. They are set up across the country, in the regional and local employment offices, 36 immigration counters do interviews, information and referral of returned Albanian citizens according to the problems they have in the relevant institutions. During July 2010-June 2015, a number of 5217 returned Albanian citizens are registered and have received reintegration services (interviews, information and referral) to the Immigration counters.

149. The increase of capacity of structures that deal with the reintegration of the returnees in Albania. Migration Counters employees are trained annually to increase their knowledge on interviewing, identifying needs, providing information and referral to returned Albanian citizens. Albanian citizens who have been returned at the border have had at their disposal transportation service from border crossing points to the nearby urban centers as well as vulnerable groups to the nearest residence.

150. Supporting economic reintegration of Albanian citizens returning to Albania through information. There have been prepared and published leaflets with information for the reintegration services provided by the Migration Counters and distributed to returned Albanian citizens in border crossing points.

[1] Refer to the response of Recommendation No. 12 as above.

151. Supporting economic reintegration of returned Albanian citizens through employment promotion programs. Returned migrants with economic problems, that meet specified criteria are included in employment promotion programs.

152. Supporting economic reintegration of returned Albanian citizens through involvement in public professional training courses. Returned Albanian citizens showed up to the Immigration Counters who have expressed the need for vocational training are oriented to the relevant structures.

153. Support the reintegration of returned Albanian citizens in Albania in the health system, health insurance and social security. Social workers in the Public Health Departments have informed and oriented the returned Albanian citizens according to the presented needs. In the Public Health Departments it is set up the Psycho-social and mental health service which treats even the returned Albanian citizens, according to the needs they present.

154. Support the reintegration of returned Albanian citizens from rural areas through programs for the promotion of investment in agriculture. In the programs for the promotion of investment in the agricultural sector, in accordance with the criteria set by the Ministry of Agriculture, Food and Consumer Protection are involved even returned Albanian citizens.

155. Support of the reintegration of returned Albanian citizens through cooperation with civil society. Migration counters have been working for the creation of a database of local and international organizations, in particular district to provide services to returned Albanian citizens.

156. In July 2011 it was signed a Memorandum of Understanding concerning the implementation of the agreement on labor migration with Italy. Implementation of the memorandum started in November 2011 and it is still being applied. During this time a total of 5329 candidates have been registered and a number of 700 candidates have gained the right of preference to enter the Italian labor market.

157. In May 2012 was signed with the German Party the Memorandum of Understanding in the framework of the coordination in the pilot project "Triple Win Migration". MoU aimed at the reactivation of the agreement between the Government of the Federal Republic of Germany and the Republic of Albania on Employment of Workers for The Expanding of their Professional and language Knowledge for some required professions by the German labor market signed in 1991.

158. Under this MoU it was provided sending in Germany up to 20 nurses. For the future the German party is made a request for the possibility of reactivating the agreement of 1991 and also for other professions for the sectors of employment and professions for which the German labor market needs foreign workforce.

159. Also refer to Recommendation no. 12 as above.

Recommendation No. 38: Information about the measures taken for the children of migrant workers

160. Regarding students who returned from emigration and seek to enrol in the pre-university education, local educational units (RETEO), have taken measures for the:

161. Admission and management of the requirements of parents/or guardians of the students and school documents they possess for the enrolment of students in pre-university educational institutions.

162. Setting up an admission commission for the students returning from abroad. Based on the parents declaration and in the school documents that the students themselves possess, evaluate and assign the class where students belong. Then MES is officially notified by

RED/EO regarding the decision of the admission committee for the registration of the migrating children.

163. The draft of the evidence for the admission of the students returned from migration.

164. Scheduling of the educational institution where the student will be registered, based on the decision of the Commission of admission and in cooperation with parents and/or guardian of the student.

165. The draft of a special working plan from the psycho-social service unit in RED/EO for the provision of services that contribute to the educational, social and personal development of students returning from abroad.

166. Educational institutions should equip enrolled students with textbooks.

167. Actually, " For the registration and the treatment of students returning from abroad", MES has provided a treatment package for each of them, where there will be worked with individual learning plans in order to fill gaps in the curricula. Each student will be assessed if he/she needs courses for deficiencies in Albanian language, within 30 days of the enrolment. For students returning from abroad will be offered free Albanian language course in school, when it is assessed from the educational institution or when requested by the parents/guardian of the student. Educational institutions will enable the equipment of enrolled students with textbooks.

168. Also, within this process the psycho social service unit in the RED/EO is drafting special plans for the provision of services to assist the educational, social and personal development of students returning from abroad on their suitability to the school, in student community relations, and relations between them and the teaching staff. Also the head teachers and teachers are instructed not to reflect the absences of the returned children or of those being in migration.

169. The special curricula for the additional learning of the Albanian language is drafted by the Ministry of Education and Sports, through the Institute of Education Development (IED). During this process were taken into account possible differences of the school abroad, in the main countries of Albanian emigrants destination with the programs that offers the Albanian education system. The summer schools are attended by this category of children, for additional learning of the Albanian language.

170. Also, to address the specific interests of the children of the returned Albanian citizens, it is worked to support their reintegration into the general and vocational education system through information and services. The Regulation of the Functioning of the Regional Education Directorates and Education Offices, defines the duties for the reintegration of returned Albanian citizens.

171. Regional Education Directorates and Education Offices, have included in the annual work plan even the responsibilities for the returned children. The sector of statistics identifies and reports periodically in the MES for the arrival and settling in the pre-university institutions of the children of readmitted Albanian citizens. The sector of Curricula and Quality will have already finished the learning programs to help these children by highlighting all the needs of their age group.

172. In the period June 2010-December 2012 are arranged in pre-university education institutions a number of 8064 children of returned Albanian citizens. In the academic year 2013-2014 there were recorded for the first time in the pre-university education institutions, a number of 1628 Albanian children born abroad. In this school year are enrolled in pre-university educational system to continue their studies started abroad, a number of 2062 returned Albanian citizens. Also, in this school year are enrolled in pre-university education a number of 36 children of readmitted Albanian citizens. In the academic year 2014-2015

there are enrolled in pre-university education institutions a number of 4504 returned Albanian children.

173. This academic year enrolled to continue the studies started abroad, a number of 3000 children of returned Albanian citizens. In the pre-university education there are registered a number of 386 children of readmitted Albanian citizens. Also in this year, have applied for equivalence of certificates and education records taken abroad, a number of 4010 returned Albanian citizens.

Data on the number of students until October 2015

No.	*Rrd EO*	*Basic Education*	*High School*
1	Berat	20	17
2	Bulqiza	8	0
3	Delvine	4	0
4	Devoll	6	2
5	Dibër	8	3
6	Durrës	106	16
7	Elbasan	74	21
8	Fier	96	7
9	Gramsh	8	1
10	Gjirokastra	8	0
11	Has	9	0
12	Kamza	60	11
13	Kavaja	46	6
14	Kolonja	7	1
15	Korça	17	19
16	Kruja	20	12
17	Kuçova	4	2
18	Kukës	11	7
19	Kurbin	3	2
20	Lezha	29	2
21	Librazhd	0	3
22	Lushnje	14	5
23	Malësi e Madhe	17	7
24	Mallakastër	3	0
25	Mat	8	11
26	Mirdita	5	1
27	Peqin	10	2
28	Permet	6	0
29	Pogradec	13	8
30	Puka	9	0
31	Saranda	14	3
32	Skrapar	2	0
33	Shkodra	160	34

No	Bed EO	Basic Education	High School
34	Tepelena	7	2
35	Tirana Municipality	383	19
36	Tirana District	15	2
37	Tropoja	6	3
38	Vlora	45	77
Total		**1 261**	**306**

174. Referring to the table above, the total number of students with immigrant parents who came from migration, until October 2015 is about 1261 in total in basic education and 306 pupils in secondary education. We note that in the region of Tirana, Shkodra, Durres, Elbasan, the emigration figures are high.

175. The National Agency of Education and Vocational Training and Qualifications (NAEVTQ) while drafting the new curricula has considered their adoption to the needs of returned migrants.

176. Summer schools were organized. They were attended by the category of children of returned Albanian citizens, for additional learning of Albanian language. In June 2010-December 2012 are opened 10 summer schools, attended by 192 students.

177. The returned Children, when it has been necessary were offered psychological assistance in the education system for their suitability to the school, for the student community relations and in relations between them and the teaching staff. In June 2010-June 2015 the staff is trained to offer psychological assistance to regional education departments in educational offices and schools. In June 2010-December 2012 about 1330 students, children of returned Albanian citizens, have received psychological service.

178. In January 2014-December 2014 it was approved the Joint Order of the General Directorate of the State Social Service and the General Directorate of State Police to take measures for social reception and treatment of unaccompanied minors returning from countries or readmitted other. In this joint command specifies the responsibilities of each party before and after the return of children from immigration.

179. The State Social Service has done the socio-economic assessments of the families before the return of the children to the biological family, and has been welcomed at the border and escorted to their families the repatriated children. Social workers of the State Social Service attended the reintegration of repatriated children in the family. State Social Service for their reintegration is providing health support, education, and housing when there is a need in residential institutions for children. In this period, the State Social Service has conducted socio-economic assessments of 11 children's biological families before their return and also there are welcomed 6 cases of repatriated children at the border and escorted to their families.

For the education in the Albanian language of the Albanian children and students in the Diaspora, it is drafted and adopted

180. Integrated Learning Program in Albanian language in Diaspora "(Order of the Minister, dated 06.10.2010) on the basis of which there are drafted three integrated texts " Learn native Albanian language and culture ", together with the ABC book covering the teaching in Albanian language in Diaspora for the age group 6-15 years.

181. Supply the Albanian schools with textbooks (DCM no. 212, dated 16.03.2011). To provide these textbooks, purchase procedures are established by MES based on open competition procedures with publishing houses.

182. A very important step is to draft the curricula for Albanian children in Diaspora, printing and free distribution of books for this category of students, through our diplomatic representations.

183. Pursuant to the Agreement of February 2014 between the University of Tirana and the University "Aristotle" in Thessaloniki, it is opened the program of studying the Albanian language at this university.

184. For training, qualification and enhancing the quality of teaching the Albanian language of Albanian diaspora, it is organized annually a nationwide seminar "for additional learning of the Albanian language in the Diaspora", a joint activity between the two ministries: the Ministry of Education and Sports in Albania and the Ministry of Education, Science and Technology in Kosovo.

185. Pursuant to the Agreement of Cooperation between the Ministry of Diaspora of the Republic of Kosovo, Ministry of Education, Science and Technology of the Republic of Kosovo and the Ministry of Education and Sports of the Republic of Albania, "On joint organization in learning Albanian language and Albanian culture in the Diaspora ", joint working groups are in the drafting process of:

(a) The common curricula for learning Albanian language and Albanian culture in Diaspora;

(b) Standards of teachers in Diaspora;

(c) Agreement between the two countries and its ratification by the Assembly/Parliament of the two countries.

Recommendations No. 42. Information about the measures taken in the fight against trafficking and prevention of children and women trafficking, as well as measures in their protection

186. With the Decision of the Council of Ministers no. 814, dated 26.11.2016 "On some amendments in the decision no. 663, dated 17.07.2013 of the Council of Ministers" On the approval of the Common Strategy on Fighting Organized Crime, Illicit Trafficking and Terrorism 2013-2020 and Action Plan 2013-2016, it is drafted the Strategy in the fight against Trafficking of Human Beings and the Action Plan for 2014-2017, which is being monitored by the Office of the Anti-trafficking National Coordinator and being implemented by the relevant structures set up specifically for this purpose by the highest political levels, technical as well as operational.

187. National Task Force against Trafficking of Human Beings (TF) was established for the first time on 11.11.2013, according to the National Referral Mechanism (NRM) reviewed and is responsible for monitoring the effective implementation of NRM. It is managed by the National Anti-traffic Coordinator and it is composed by representatives of high level institutions, Parties to this agreement.

188. The structure of the reference at the central level known as the Responsible Authority, consisting of representatives of the police, social services, health, education and consular authorities is also extended to a better coordination regarding referral for primary assistance, protection and rehabilitation of the victims of trafficking all over the country. The Responsible authority acts as an NRM for the victims of trafficking, both nationally and locally. The purpose of the NRM is to identify and protect any victim of trafficking inside or outside the country.

189. With regard to the improvement of services for victims of trafficking and best protection in 2014, for the first time, victims of trafficking are provided with free health service.

190. Based on recent changes in the law on social insurance funds, the Fund covers the costs for medicines, medical examinations and treatments in private or public hospitals, contracted by the Fund, for all victims of trafficking.

191. Victims of trafficking are considered as a vulnerable group. A number of 200 victims is provided to take advantage of this service and it will continue to receive free medical care, even after leaving the economic aid scheme. Also, the new law "On State Police", July 2014, provides additional legal guarantee for better protection and support for victims of trafficking, especially children.

192. This law, among the duties of the state police, provides in Article 17 (g) the identification, protection and referral for assistance to appropriate authorities of victims of trafficking. While Article 123 provides the measures to be taken by the state police for the protection of minors. Officials of the state police are obliged to assist and refer, when deemed necessary, for children abandoned or removed from their homes.

193. Also, the National Anti-Trafficking Coordinator is working together with the Ministry of Finance in terms of effective implementation of the Anti-mafia law with the support of the National Coalition of Anti-trafficking.

194. According to Law no. 141/2014 "On compulsory insurance of health care in the Republic of Albania", as amended, is activated free health service for victims/potential victims of trafficking, giving them health cards in each case. By March 2016 a total of 44 victims/potential victims of trafficking have gained health cards.

195. In January 2016, it was created the Office of Victims Assistance focusing on the victims who are minors or persons with disabilities, victims of domestic violence, victims of violence or sexual exploitation, trafficking etc.

196. In 19 June 2015, it was signed the Regulation for the organization and functioning of the responsible Authority for the identification, referring, protection and reintegration of victims or potential victims of trafficking. During the reporting period, periodic meetings of the members of the responsible authorities are kept to treat special cases of victims or potential victims of trafficking.

197. In 21 October, 2014, it was signed a Memorandum of Understanding between the National Coordinator of the Issues of Fight against Trafficking of Persons, the General Directorate of State Police and the State Labour Inspectorate and Social Services "On the identification of cases of forced labor and trafficking in order to exploit the labor of others".

198. Decision No. 115, dated 17.02.2016 approved the Action Plan for Socio-Economic Reintegration of women and girls victims of trafficking. This Action Plan helps in socio-economic development of women and girls VT/PVT in the field of economic empowerment, eg property rights, employment and vocational training, housing, education and social care.

199. For 2015, a fund of 2.555,000 ALL was allocated to centers "Other Vision", "Different but Equal" and "Vatra". The Albanian government has provided financial support for the employment of 12 social workers in the centers "Other Vision" and "Vatra".

200. The Government continues to provide economic assistance to victims of trafficking after their exit from the center, according to the Decision no. 796, dated 08.09.2010 "On Amendments to the Decision no. 787, dated 14.12.2005 of the Council of Ministers" On the criteria, procedures and measures for economic assistance ", as amended.

201. In 2016, it was approved and have been allocated funds from the state budget to cover the salaries of 24 social workers of centers managed by NGOs.

202. In June 2014, in collaboration with World Vision and Vodafone, was launched the National Contact Line 116 006 and the application "Report! Save". This service contact line is provided free for the public to report suspected cases of trafficking.

203. The Anti-Trafficking Department, during the summer period (June-September 2015) began a national campaign to prevent trafficking, where state and non-state institutions, national and international partners, participated in organizing awareness activities, forums discussions at local and national conferences, marches and TV shows.

204. In the framework of the European Day of Anti-Trafficking (18 October), Directorate of Anti-Trafficking in cooperation with partner organizations and institutions, in 2014 organized the "Week of Anti-trafficking" and in 2015 it was organized during October "Month for the fight against Trafficking".

Recommendation No. 44: The Committee recommends that the State Party increases the efforts to fight the smuggling of migration, especially of the women and children inter alia by making necessary steps for the detection of illegal movements of migrant workers and members of their families and putting them in front of justice.[3]

[3] Refer to the response of the Recommendation No.42, as above.